United Nations A/59/516/Add.1

General Assembly

Distr.: General
24 February 2005

Original: English

Fifty-ninth session
Agenda item 150

International convention against the reproductive cloning of human beings

Report of the Sixth Committee

Rapporteur: Ms. Anna **Sotaniemi** (Finland)

I. Introduction

1. The previous recommendation made by the Sixth Committee under item 150 appears in the report of the Committee contained in document A/59/516.

2. At its 76th plenary meeting, on 23 December 2004, the General Assembly, in its decision 59/547, decided, on the recommendation of the Sixth Committee, to establish a Working Group to finalize the text of a United Nations declaration on human cloning, on the basis of the draft resolution entitled "United Nations Declaration on Human Cloning" (A/C.6/59/L.26) and to report to the Sixth Committee during the fifty-ninth session.

3. The Sixth Committee resumed its consideration of the item at its 28th meeting, on 18 February 2005. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/59/SR.28).

4. For its consideration of the item, the Committee had before it the report of the Working Group established pursuant to General Assembly decision 59/547, contained in document A/C.6/59/L.27/Rev.1, which included two draft resolutions (annexes I and II to the report) and a proposed amendment (annex III) to the draft resolution in annex II. The Chairman of the Working Group introduced the report at the 28th meeting of the Committee (see A/C.6/59/SR.28).

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II. Consideration of proposals

5. At its 28th meeting, on 18 February, the Committee proceeded on the basis of the draft resolutions, entitled "United Nations Declaration on Human Cloning", contained in annexes I and II to the report of the Working Group.

A. Motion to reverse the order of consideration under rule 131

6. The representative of Honduras, sponsor of the draft resolution contained in annex I to document A/C.6/59/L.27/Rev.1, proposed, in accordance with rule 131 of the rules of procedure, to reverse the order of consideration of the proposals before the Committee, so as to consider first the proposal contained in annex I to document A/C.6/59/L.27/Rev.1 and, second, the proposal contained in annex II to document A/C.6/59/L.27/Rev.1.[1] Statements in favour of the motion were made by the representatives of Germany, Mexico, Italy, Uganda, Nigeria and Trinidad and Tobago. Statements against the motion were made by the representatives of Belgium, Sweden, Canada, China and the Republic of Korea. Since no consensus existed on the matters under consideration, the representative of Turkey, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference (OIC), reserved the right of OIC countries to abstain from voting. The motion was carried by a recorded vote of 69 to 39, with 39 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Angola, Antigua and Barbuda, Australia, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chile, Costa Rica, Croatia, Democratic Republic of the Congo, Ecuador, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Germany, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liechtenstein, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Senegal, Sierra Leone, Slovakia, Sudan, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, United States of America, Uzbekistan.

Against:

Argentina, Bahamas, Barbados, Belarus, Belgium, Botswana, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Cuba, Czech Republic, Denmark, Estonia, Finland, France, Greece, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Mongolia, Netherlands, New Zealand, Poland, Republic of Korea, Singapore, Sweden, Syrian Arab Republic, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam.

[1] Annex I was originally issued as document A/C.6/59/L.27/Add.1 and Corr.1 and annex II was originally issued as document A/C.6/59/L.26.

Abstaining:

Algeria, Armenia, Austria, Azerbaijan, Bahrain, Burkina Faso, Comoros, Cyprus, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Malaysia, Maldives, Mali, Morocco, Namibia, Nepal, Norway, Oman, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Serbia and Montenegro, Slovenia, South Africa, Spain, Sri Lanka, Tunisia, Turkey, United Arab Emirates, Uruguay, Yemen, Zimbabwe.

B. Consideration of the draft resolution contained in annex I to document A/C.6/59/L.27/Rev.1

7. Before the Committee took action on the draft resolution, the representative of Belgium proposed three amendments to the draft declaration annexed to the draft resolution contained in annex I to document A/C.6/59/L.27/Rev.1, to be considered separately. Statements in favour of the proposed amendments were made by the representatives of Japan, the Netherlands, Brazil and Belgium. Statements against the proposed amendments were made by the representatives of Honduras, Costa Rica and Nigeria.

Amendment to the second preambular paragraph of the draft declaration

8. By the first amendment, the following text would be added at the end of the second preambular paragraph of the draft declaration contained in the annex to the draft resolution:

> "and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of human beings, shall not be permitted".

9. The amendment was adopted by a recorded vote of 59 to 47, with 41 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bahamas, Belarus, Belgium, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Estonia, Finland, France, Germany, Ghana, Greece, Grenada, Hungary, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Mali, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Poland, Republic of Korea, Russian Federation, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Against:

Albania, Antigua and Barbuda, Australia, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Burundi, Costa Rica, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Guatemala, Haiti, Honduras, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Madagascar, Malta, Marshall Islands, Micronesia (Federated States of), Nicaragua, Nigeria, Panama, Papua New Guinea, Philippines, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, San

Marino, Saudi Arabia, Slovakia, Sudan, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Uzbekistan.

Abstaining:

Algeria, Austria, Azerbaijan, Bahrain, Barbados, Brunei Darussalam, Burkina Faso, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Liechtenstein, Malaysia, Maldives, Nepal, Norway, Oman, Pakistan, Paraguay, Peru, Qatar, Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Slovenia, Spain, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Yemen.

Amendment to delete operative paragraph (a) of the draft declaration

10. By the second amendment, operative paragraph (a) of the draft declaration annexed to the draft resolution would be deleted.

11. The amendment was rejected by a recorded vote of 57 to 48, with 42 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bahamas, Belarus, Belgium, Botswana, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Ghana, Greece, Grenada, Hungary, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Mali, Mongolia, Namibia, Netherlands, New Zealand, Poland, Republic of Korea, Russian Federation, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Zimbabwe.

Against:

Albania, Antigua and Barbuda, Australia, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chile, Costa Rica, Croatia, Democratic Republic of the Congo, Ecuador, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Guatemala, Guyana, Haiti, Honduras, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Nicaragua, Nigeria, Panama, Papua New Guinea, Philippines, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Sudan, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan.

Abstaining:

Algeria, Austria, Azerbaijan, Bahrain, Barbados, Burkina Faso, Congo, Cyprus, Djibouti, Egypt, Germany, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Liechtenstein, Malaysia, Maldives, Nepal, Niger, Norway, Oman, Pakistan, Paraguay, Peru, Qatar, Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Slovenia, Spain, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Uruguay, Yemen.

Amendment to replace operative paragraph (b) of the draft declaration

12. By the third amendment, operative paragraph (b) of the draft declaration annexed to the draft resolution would be replaced by the following:

> "Member States are called upon to prohibit the reproductive cloning of human beings; they are also called upon to prohibit other forms of human cloning inasmuch as they are incompatible with human dignity".

13. The amendment was rejected by a recorded vote of 55 to 52, with 42 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Bahamas, Belarus, Belgium, Botswana, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Ghana, Greece, Grenada, Hungary, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Mali, Mauritius, Mongolia, Namibia, Netherlands, New Zealand, Poland, Republic of Korea, Russian Federation, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Against:

Albania, Antigua and Barbuda, Australia, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Burundi, Comoros, Costa Rica, Croatia, Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Guatemala, Guyana, Haiti, Honduras, Iraq, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Madagascar, Malta, Marshall Islands, Micronesia (Federated States of), Morocco, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Philippines, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Sudan, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan.

Abstaining:

Algeria, Austria, Azerbaijan, Bahrain, Barbados, Brunei Darussalam, Burkina Faso, Chile, Congo, Djibouti, Ecuador, Egypt, Germany, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Liechtenstein, Malaysia, Maldives, Mexico, Nepal, Niger, Norway, Oman, Pakistan, Peru, Qatar, Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Slovenia, Spain, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Yemen.

Consideration of the draft resolution, as a whole, as amended

14. The Committee adopted the draft resolution contained in annex I to document A/C.6/59/L.27/Rev.1, as amended, by a recorded vote of 71 to 35, with 43 abstentions (see para. 17). The voting was as follows:

In favour:

Albania, Andorra, Antigua and Barbuda, Australia, Austria, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chile, Comoros, Costa Rica, Croatia, Democratic Republic of the Congo, Ecuador,

El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Germany, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liechtenstein, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Slovenia, Sudan, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan.

Against:

Belarus, Belgium, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Greece, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Singapore, Sweden, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Barbados, Botswana, Burkina Faso, Congo, Djibouti, Egypt, Ghana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Malaysia, Maldives, Mali, Mongolia, Namibia, Nepal, Niger, Oman, Pakistan, Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Tunisia, Turkey, Ukraine, Uruguay, Yemen, Zimbabwe.

15. The representatives of the Republic of Korea, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland, Belgium, Singapore, China, Japan, the Russian Federation, Finland, Denmark, Sweden, Mongolia, Norway, France, Cuba, Nigeria, Costa Rica, the United States of America, Brazil, Venezuela, Canada, the Netherlands and Germany made statements in explanation of position after the vote; the observer of the Holy See also made a statement (see A/C.6/59/SR.28).

C. Consideration of the draft resolution contained in annex II to document A/C.6/59/L.27/Rev.1

16. In view of the adoption of the draft resolution contained in annex I to document A/C.6/59/L.27/Rev.1, as amended, the Committee, at the suggestion of the Chairman, decided not to take action on the draft resolution contained in annex II to document A/C.6/59/L.27/Rev.1.

III. Recommendation of the Sixth Committee

17. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Declaration on Human Cloning

The General Assembly,

Recalling its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,[1]

Approves the United Nations Declaration on Human Cloning, annexed to the present resolution.

Annex

United Nations Declaration on Human Cloning

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of human beings, shall not be permitted,

Recalling also its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

Aware of the ethical concerns that certain applications of rapidly developing life sciences may raise with regard to human dignity, human rights and the fundamental freedoms of individuals,

Reaffirming that the application of life sciences should seek to offer relief from suffering and improve the health of individuals and humankind as a whole,

Emphasizing that the promotion of scientific and technical progress in life sciences should be sought in a manner that safeguards respect for human rights and the benefit of all,

Mindful of the serious medical, physical, psychological and social dangers that human cloning may imply for the individuals involved, and also conscious of the need to prevent the exploitation of women,

Convinced of the urgency of preventing the potential dangers of human cloning to human dignity,

Solemnly declares the following:

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[1] *United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Twenty-ninth Session*, vol. 1, *Resolutions*, resolution 16.

(a) Member States are called upon to adopt all measures necessary to protect adequately human life in the application of life sciences;

(b) Member States are called upon to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life;

(c) Member States are further called upon to adopt the measures necessary to prohibit the application of genetic engineering techniques that may be contrary to human dignity;

(d) Member States are called upon to take measures to prevent the exploitation of women in the application of life sciences;

(e) Member States are also called upon to adopt and implement without delay national legislation to bring into effect paragraphs (a) to (d);

(f) Member States are further called upon, in their financing of medical research, including of life sciences, to take into account the pressing global issues such as HIV/AIDS, tuberculosis and malaria, which affect in particular the developing countries.